Cheok Chin Soon as trustee, she described him as 'the adopted son of my said husband' or, as in clause 7, she specifically mentioned him by name."

Here in clauses 7 and 13 Tan Hong named certain adopted sons and grandsons but he described them simply as sons and grandsons and it is clear that he intended to benefit them, but in my view there is nothing in the context of the subsequent clauses 8 and 14 to indicate a clear intention on his part to benefit also the adopted children of the named beneficiaries.

In yet another Singapore case, *British Malaya Trustee & Executor Co. Ltd. & Anor.*, v. *Chan Mek Tuan & Two Ors.*,[13] it was held that "child" in clause 2 of the will in dispute included adopted children, but as Terrell Ag. C.J. there said at page 233 :

"The testator had only one natural child, his daughter Lim Chye Inn. His three sons were all adopted. As however he speaks of his adopted sons as 'sons' throughout the will, and as the expression 'last surviving child' in clause 2 necessarily implies that the testator considered he had more than one child, I think it follows that the expression 'child' includes his adopted sons."

Unlike that of Tan Hong's will, the context of this will clearly indicated an intention to benefit adopted children.

To sum up, my answer to question (a) is that the words "child" and "children" in clauses 8 and 14 of the will of Tan Hong mean only the natural issue of the beneficiary or beneficiaries named in clauses 7 and 13 respectively. In view of this, question (b) does not arise. The seven adopted children of Tan Jin Khai do not benefit under the will. The share given to Tan Jin Khai under clause 7 of the will should be paid equally to the persons entitled to the share of nett profits under clauses 7 and 8. The share given to him under clause 13 should be divided equally per stirpes amongst the surviving beneficiaries named in clause 13 and the children of any deceased beneficiary entitled to stand in his or her place.

Costs of the parties as between solicitor and client on the higher scale shall be paid out of the assets of the estate.

Order accordingly.

Solicitors: *Braddell & Ramani; D. G. Ironside; Boswell, Hsieh & Lim.*

CHINNAKARAPPAN v. PUBLIC PROSECUTOR

[C.A. (Hill and Good JJ.A., and Ong J.) July 25, 1962]

[K.L. — F.M. Criminal Appeal No. 23 of 1962]

Criminal Law and Procedure — Police report — Omission of accused's name in police report made by witness — Secondary evidence.

The omission of the accused's name in the police report made by a witness does not in any way detract from the weight and value which the trial Judge had attached to the testimony of the complainant himself. The witness' evidence as to the identity of the complainant's assailant was at any rate only secondary, and the law does not in this case (on a charge under section 326, Penal Code) require independent corroboration of the complainant.

COURT OF APPEAL (CRIMINAL).

Dr. Seenivasagam (*R. Murugason* with him) for the appellant.

Tengku Ahmad Rithauddeen (Deputy Public Prosecutor) for the respondent.

Hill Ag. C.J. (delivering oral judgment): On the 22nd January this year at about 4 p.m. the complainant Kottilan was cycling along a track off Jalan Scudai, Johore Bahru, when he was attacked with a parang and seriously wounded. He managed to run a short distance, but was pushed by his assailant into a drain where he was again slashed repeatedly with the parang. All this happened in broad daylight and Kottilan had abundant opportunity to see his assailant. He told the trial Judge that his assailant was Chinnakarappan, the appellant. The trial Judge unhesitatingly believed him.

Adams J. considered and examined the defence very carefully and came to the conclusion that the evidence of the defence was neither true, nor might it be said, in the light of all the evidence, that it was reasonably likely to be true even though he did not believe it. He therefore convicted the appellant of the offence of voluntarily causing grievous hurt contrary to section 326 of the Penal Code.

We are of opinion that the omission of the appellant's name in the police report made by Ramasamy (P.W.3) does not in any way detract from the weight and value which the learned trial Judge had attached to the testimony of Kottilan himself. Ramasamy's evidence as to the identity of Kottilan's assailant was at any rate only secondary, and the law does not in this case require independent corroboration of Kottilan. The appellant's arrest followed swiftly after Ramasamy's report. To us, it appears incredible, as it did to the trial Judge, that Kottilan, having seen his assailant who had wounded him so grievously, would readily allow his true assailant to go scot-free for the purpose of framing the appellant.

We can see no grounds for interfering with this conviction and the appeal against it is dismissed.

There is no appeal against sentence, but this was a most brutal and violent assault, one which was very nearly murder, and we consider that a sentence of ten years' imprisonment should be imposed.

We propose therefore to act under section 29 sub-section (2) of the Courts Ordinance, No. 43 of 1948, and quash the sentence passed by the trial court and pass in substitution therefor a sentence of ten years' imprisonment.

Appeal against conviction dismissed. Sentence enhanced.

Solicitors: *Murugason & Co.*